

AZ HWMA PERMIT
EPA ID NO. AZR000520304
AA SYDCOL WASTE TRANSFER FACILITY

The following comments were developed from EPA's review of the pre-draft permit and application documents. Comments follow the same order as the documents, however, there are critical comments involving Attachment C: Waste Analysis Plan, Subpart BB & Subpart CC issues within Attachment D: Air Container Management and Attachment O: Air Emission Standards, and Subpart BB issues within Attachment N: Equipment Leaks.

General Comments

1. USEPA is not listed, defined, or mentioned in the Permit. USEPA needs to be added to all provisions allowing regulatory officials to conduct an inspection (Part I.E.9 (Inspection and Entry)) or access records (Part II.J.3 (Inspections of Records)).
2. Throughout the Part B application, the applicant does not provide sufficient detail to be enforceable. To determine compliance by inspectors more specificity or criteria must be provided to ensure protection of human health and the environment.
3. Is the facility planning on receiving non-RCRA hazardous waste from California? If yes, the Part B application must include information/documentation on how non-RCRA hazardous wastes will be managed at the facility.
4. The Part B permit application is missing how the facility will be complying with e-manifest fee and data transfer requirements found at 40 CFR § 264.1311.
 - a. EPA Region 9 recommends the applicant review the Evoqua Permit/Permit Application to develop a revised Part B application that includes how the facility will comply with this requirement.
See: https://www.epa.gov/sites/default/files/2018-09/documents/evoqua_final_rcra_permit_modules_i-vi.pdf#page=42
5. The application and permit do not reference Occupational Safety and Health Administration regulations 29 CFR Part 1910, specifically 29 CFR Part 1910.1020, or equivalent Arizona regulations, for access to employee exposure and medical records.

Permit:

1. Part I, A: Effect of Permit

Incorporate this statement into the Effect of Permit section to ensure clarity. "In case of conflicts between the Permit Application and the Permit, the Permit conditions take precedence."

2. Part I: Definitions

- "A.A.C." and "C.F.R." are both defined as the Arizona Administrative Code. Instead, "C.F.R." should be separately defined or abbreviated as the Code of Federal Regulations. Moreover, throughout the document, whenever there is a citation to the Code of Federal Regulations, the periods are missing from "C.F.R.". Those periods should be added in to properly cite to the Code of Federal Regulations.

- In the definition of “Area of Concern”, there are three types of areas listed. Currently, it is unclear whether Area of Concern means an area that satisfies all three conditions in (a), (b), and (c), or whether any one of the three conditions need to be met.
- The last sentence in the definition of “Example” reads ““Example” presents, unless otherwise specified, minimum acceptable.” This appears to be an incomplete sentence.
- Define "Container" in the permit. “A container is any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled (§260.10).”
- The definition of “qualified” is confusing. It’s not clear whether one of those conditions is sufficient or whether both are required.
- Define RCRA, “RCRA” as used in this Permit means the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.).
- The definitions of “Regulated Facility” and “Regulated Unit” should be separated into two separate definitions, as a facility includes multiple units.
- The phrase “waste acceptance” should be capitalized because it is a term defined in Part I, B.24.

3. Part I, C.4(a): Permit Actions – Transfers

As it is written, it sounds like the Permit is transferrable once notice is given to the Director. 40 C.F.R. § 270.40 states: “A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 270.40(b) or § 270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act.”

Suggest rewording to say, “This Permit is not transferable to a new owner or operator, except after *the permit has been modified or revoked and reissued by the Director* to change the name of the Permittee and incorporate such other requirements as necessary pursuant to A.A.C. R18-8-270.A (40 C.F.R. § 270.40).”

4. Part I, E.12(a): Duties and Requirements – Transfers

Same comment as above. It is an inaccurate statement of 40 C.F.R. § 270.40 to allow a permit to be transferred once notice is given to the Director.

It should be modified to allow transfer *only if* the Permit has been modified or revoked and reissued by the Director to change the name of the Permittee and incorporate such other requirements as necessary.

5. E.9: Inspection and Entry

Incorporate these statements regarding access to the facility:

- ADEQ, its contractors, employees, agents, and/or any United States Environmental Protection Agency (USEPA) representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of the Permit; conducting such testing sampling, or monitoring as ADEQ and/or USEPA deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to ADEQ by the Permittee; or confirming any other aspect of compliance with this Permit. The Permittee shall provide ADEQ, USEPA and their representatives access at all reasonable

times to the Facility and any other property to which access is required for implementation of any provision of this Permit, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.

- Nothing in this Permit shall limit or otherwise affect ADEQ or USEPA's right to access and entry pursuant to any applicable State or federal laws and regulations.

6. Part I, F: Confidential Information.

This section is cursory in that it only states the Permittee may claim information which is required to be submitted by this Permit as "confidential". It leaves out the requirements on how and when to claim information as confidential. Include the requirements of 40 C.F.R. § 270.12 or the Arizona equivalent rules.

- Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words "**confidential business information**" on each page containing such information.
- If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

7. Part I, H.4: Permit Modifications – Changes to Contingency Plan.

The regulatory citation to 40 CFR § 264.37(a)(4) is incorrect. That is the requirement to familiarize local hospitals with the properties of hazardous waste handled at the facility.

The citation governing when contingency plans must be amended is 40 CFR § 264.54.

8. Part II, H.3 – Preparedness and prevention.

The requirement that "The Permittee shall maintain access to the communications or alarm system" does not include all the requirements of 40 CFR § 264.34, which requires:

- Access to communications or alarm system.
 - (a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Regional Administrator has ruled that such a device is not required under § 264.32.
 - (b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Regional Administrator has ruled that such a device is not required under § 264.32.

Incorporate the full regulatory requirement in 40 CFR § 264.34 be incorporated into this permit provision.

9. Part II, J.1(j) Operating Record.

The only recordkeeping requirements relating to Subpart BB are contained in this section, which only require a log of equipment that is exempt from Subpart BB. The recordkeeping provisions of 40 C.F.R. § 264.1064 contains significant recordkeeping requirements, more than “a log of equipment” for equipment not subject to Subpart BB.

This part of the permit is severely lacking. There is no requirement to comply with the rest of 40 C.F.R. § 264.1064, only 40 C.F.R. § 264.1064(g)(6). Please see the comments below regarding Equipment Leaks.

10. Part II, J.6 List of Learning Sites.

“Learning Site” is not a defined term in this permit and it is not clear what it means.

11. Part II M.2 Financial Assurance.

The draft permit states that, “A copy of the Permittee’s financial assurance mechanism is contained in Permit Attachment J, Exhibit J-2.”

This is incorrect. Attachment J, Exhibit J-2 only states that the Permittee has elected to obtain closure insurance; the Permittee does not yet appear to have closure insurance and no proof of insurance is contained in the attachment.

Amend this item to say a copy of the Permittee’s financial assurance mechanism will be included once the financial assurance mechanism is obtained and the Permit is modified to add the mechanism.

12. Part II Q.1: Process Vents.

The draft permit requires the Permittee to comply with the process vents requirements found in Permit Attachment M. However, Attachment M simply states that there are no process vents subject to Subpart AA.

Suggest rephrasing to say that currently there are no process vents subject to Subpart AA. In the event that the Facility decides to add process vents subject to Subpart AA, it must request a permit modification.

13. Part II T.1(a) Notification and Submittal of Financial Assurance for Closure.

The last sentence says, “The certificate of insurance shall be incorporated into the Permit at Permit Attachment J, Exhibit J-2.”

Clarify that the Permittee will need to submit a permit modification to add the certificate.

Similarly, in II.T.5(a), the draft permit says “Permittee shall update Permit Attachment N, Section 3.1” without stating how; does that also require a permit modification?

Clarify how these changes will occur and whether they will require permit modifications.

14. Part III J.5(c) Container Provisions for Incompatible Waste.

This condition must be revised to add, “by means of a dike, berm, wall, or other device” to the end of the sentence, as that is the full requirement of 40 C.F.R. § 264.177(c).

15. Part III, Table III-A - Hazardous Waste Storage in CSAs

The Maximum Number of Containers and Maximum Volume in gallons do not match the Maximum Volumes of Hazardous Waste in Table III-B - Maximum Permitted Storage Volumes of Hazardous Wastes. Correct the volumes so the tables match the permit application.

16. Part IV, Table IV-A.

The SWMU and HWMU numbers do not match the numbers in Attachment L (CASOC). For example, HWMU1 is SMWU 4, not SWMU 1, SWMU1 is HWMU3, not HWMU4. Please check all the numbers and descriptions.

Part B Application:

Waste Analysis Plan: Attachment C:

1. Analysis Plan, Page 1, Section 1.2, 2nd paragraph, Item 1. The applicant must provide specific criteria when generator knowledge will be allowed and when the generator will be required to provide waste analysis data. The term “when applicable” is too vague and is difficult to enforce.
2. Waste Analysis Plan, Page 4, Section 2.4, 1st complete paragraph. The applicant states: “The Facility will carefully manage mixtures of hazardous wastes to prevent undesirable or uncontrolled reactions.” Describe what procedures are in place to prevent fires and uncontrolled reactions. This is especially problematic for lab pack wastes.
 - a. ECAD recommends that ADEQ Permitting contact NDEP Permitting, to learn how Nevada has addressed this issue.
3. Waste Analysis Plan, Page 4, Section 2.4, last paragraph. Provide more specificity on how ignitable and reactive wastes will be separated and protected needs to be provided. Optionally, the applicant can reference another section of the Part B application where this is discussed in detailed.
4. Waste Analysis Plan, Page 4, Section 2.5. A specific list of qualified facility personnel which will be performing hazardous waste sampling must be provided.
5. Waste Analysis Plan, Page 5, Section 3.1, 1st sentence. The term “generally” must be deleted as it is difficult to enforce
6. Waste Analysis Plan, Page 6, Section 3.2, Item 1: Polychlorinated biphenyls. “PCBs at concentrations greater than 50 PPM)”
Require changing this to, **“PCBs at regulated levels or PCBs greater than or equal to 50 PPM.**
7. Waste Analysis Plan, Page 6, Section 3.2, Item 7, lithium-ion batteries. In the Waste Analysis Plan this is listed as a non-permitted waste. However, in Attachment D, Section 3.2, Page 8. The applicant states that lithium battery wastes may be included in household hazardous wastes, if the household hazardous waste does contain lithium-ion batteries, the waste will be conditionally stored in HWMU3. Recommend a special condition be added to the Permit that only lithium-ion batteries from household hazardous waste collection centers can be managed by the applicant. Also, ADEQ may want to limit to a specified quantity of lithium-ion batteries from household hazardous waste collection centers that can be stored on-site.

Not only household hazardous waste collection facilities bulk batteries, but many Large Quantity Generators and Small Quantity Generators bulk batteries into one universal hazardous waste

accumulation container (e.g., 55-gallon container). How is the applicant going to ensure that bulk universal waste – batteries containers from generators do not contain lithium batteries.

8. Waste Analysis Plan, Page 9, Section 3.3, 2nd paragraph, last sentence and Section 6.1.1, Page 15, 1st paragraph, Item 2. Containers that are not intact, properly sealed or damaged/poor should be immediately placed in an overpack and properly managed. A special condition is recommended to include in the Permit that leaking or damaged containers, received by the facility, will be immediately repackaged or placed in overpack containers.
9. Waste Analysis Plan, Page 12, Section 5.1. AA Sydcoll states that at its discretion the facility may utilize fingerprint analysis to verify waste received by the facility. Criteria needs to be provided, not just statements such as “at its discretion”. These types of general statements make it difficult for an inspector to determine compliance. Also include a reference to Section 6.0 where the fingerprint analysis will be applied.
10. Waste Analysis Plan, Page 12. There are two sections identified as 5.3.
11. Waste Analysis Plan, Pages 12 and 13. 1st identified as 5.3. This section mentions hazardous waste debris. The Part B must include the definition of hazardous debris found at 40 CFR § 268.2(g). ECAD Region 9 inspectors have found that facilities that do not specify what is debris and what is hazardous debris will mismanage the waste. The facility’s training program must include information on how employees are to distinguish debris from hazardous debris.
12. Waste Analysis Plan, Page 15, Section 6, 1st sentence. Remove the term “generally” from the sentence.
13. Waste Analysis Plan, Page 15, Section 6.1, 3rd sentence. The amount of time to develop a waste profile and approve (or reject) a load should be either included in the Part B application or included in the permit as a special condition (something like 24 to 72 hours).
14. Waste Analysis Plan, Page 15, Section 6.1.1. There is a reference of ASTM D4979. Any references such as these must be included in the Part B application or a special condition that any referenced ASTM Procedures/Methods or similar references (e.g., standard operating procedure) be maintained and available to review by ADEQ or EPA inspectors/permitting staff. Due to the fact these procedures or documents are referenced, these documents are a part of the Part B application is incorporated into the Permit and are enforceable.
15. Waste Analysis Plan, Page 15, Section 6.1.1. Due to the fact the facility accepts hazardous waste in roll-off containers, a more detailed discussion on how roll-off containers will be inspected must be included in the Part B permit. Especially, if the waste is heterogeneous.
16. Waste Analysis Plan, Page 16, Section 6.1.2, 1st paragraph. It is unclear how many hazardous waste containers will undergo fingerprint/screening analysis from each generator. Typically, at least 10% or a minimum of one container will be sampled from each generator which ships waste to a TSDF will be fingerprinted/screened. Include a detailed description of the procedures for heterogeneous wastes or hazardous waste liquids with separate phases for fingerprinting incoming wastes. If the Part B is not modified to clarify the number of containers that will be fingerprinted/screened from incoming wastes, a special condition must be included in the Permit. Currently, how this section is written, it will be difficult to enforce.
17. Waste Analysis Plan, Pages 16 and 17, Section 6.2, 2nd paragraph. Criteria must be included in the qualitative review performed by a supervisor or manager to determine when Level II analysis will be performed. Developing specific criteria should minimize potential issues with managing potential non-conforming wastes (e.g., fire, employee exposure). Additionally, enforcement staff have criteria with which to determine compliance with waste acceptance/screen procedures. In that same paragraph, the last two sentences of the report. Specify what criteria the Facility Manager will use to determine if the waste(s) conforms to the waste profile, or if a Level II analysis is required.

18. Waste Analysis Plan, Page 17, Section 6.2. There is a reference to unpublished procedures for analyzing/screening hazardous waste.
Recommend ADEQ have in-house, or Region 9 chemist evaluate these procedures to determine if these procedures are acceptable. If not, the chemist should be requested to provide an alternative methods to meet the requirements. ECAD's understanding is that the test for reactive sulfide is difficult to perform.
19. Waste Analysis Plan, Pages 17-18, Section 6.3. Recommend a special condition that hazardous wastes can only be received at the facility during normal business hours.
20. Waste Analysis Plan, Page 19, Section 7.2, 1st paragraph. The example in parentheses and the sentence prior to the parentheses do not make sense.
21. Waste Analysis Plan, Page 20, Section 7.2, first full paragraph, Item 2. Provide example discrepancies or identifiable variations so that employees recognize the type of discrepancies or variations that will lead to a Level II evaluation.
22. Waste Analysis Plan, Page 21, Section 8.0. Clearly define who is the "designee" whenever the Plant Manager is not available.
23. Waste Analysis Plan, Page 23, Section 9.0, 2nd paragraph, last sentence. See Comment 21 as applied to the Laboratory Manager designee. Also, this sentence does not make sense (i.e., what is "the sampling method" that is being referred to).
24. Waste Analysis Plan, Page 23, Section 9.1, 2nd paragraph. The facility is a new facility with no historical experience. For that reason, authoritative sampling is not appropriate until sufficient data has been developed for a generator's waste stream(s). Until there is sufficient data and staff experience, specific sampling procedures for sampling a waste stream(s) must be included in the Part B application (see *Characterizing Heterogeneous Waste, Methods and Recommendation*, February 1992). EPA has found that a single grab sample for characterizing a hazardous waste stream is not sufficient, especially for heterogeneous waste.
25. Waste Analysis Plan, Page 24, Section 9.3, 1st paragraph, last sentence. This sentence can be deleted based on the fact the prior sentence essentially states the same thing.
26. Waste Analysis Plan, Page 27, Section 10.1, 3rd paragraph. See Comment 13 above regarding ASTM or other methods or procedures utilized by the facility.
27. Waste Analysis Plan, Page 29, Section 10.5. Region 9 inspectors have found issues with product and waste samples when there is no clear plan on how long samples will be retained by a laboratory. The facility should develop a retained sample policy which clearly defines how long samples will be retained and when the retention period will be extended (e.g., litigation).

Container Management: Attachment D:

1. Container Management, General Comment. It appears, tanker trucks are being used by the applicant to bulk waste from containers. Typically, bulking of liquid wastes from containers is performed in aboveground storage tanks, then transferred to a tanker truck for off-site disposal. If tanker trucks are being used to bulk liquid hazardous waste, how many tanker trucks are being used, their storage capacity, and other information such as where a tanker truck(s) will be staged during the filling process should be included in the Part B application. In particular, where will a tanker truck(s) be located when only partially filled at the end of the day?
2. Container Management, General Comment. If a non-licensed tanker truck(s) is going to be used to consolidate liquid hazardous wastes, this information must be included in the Part B application.

3. Container Management, Page 1, Section 1, 2nd paragraph. When the applicant states that it "will not be the designated Facility for any hazardous waste temporarily stored at the Facility," what does this mean? Does this mean waste that is in transfer will be temporarily stored in permitted areas? Only wastes destined for the designated facility should be stored in the permitted unit.
4. Container Management, Page 9, Section 3.2, last sentence. A reference to a Part B facility map showing the locations of spill and fire response equipment must be included as reference to this paragraph.
5. Container Management, Page 9, Section 3.3, 2nd paragraph, last sentence. Containers that are not intact, properly sealed or damaged/poor must be immediately placed in an overpack and properly managed. A special Permit condition is recommended that leaking or damaged containers will be immediately repackaged or placed in overpack containers. see also Comment 7, Waste Analysis Plan.
6. Container Management, Page 9, Section 3.4. The facility will be bulking liquid hazardous wastes. Often containers of liquid hazardous wastes will contain debris (e.g., gloves, paper cups) and solids which have settled to the bottom of the container. From the application, it is not clear how solids and liquids will be separated. If solids and liquids are going to be separated via a mechanical means (e.g., grinder pump, filter), this treatment must be well described in the Part B application and regulated accordingly (e.g., Subpart X) to include control of air emission regulations. Additionally, if liquids or hazardous waste liquids are going to be added to containerized semi-solid wastes to facilitate transfer of the wastes to a tanker truck, this must be well-described, included in the Part B application, and regulated accordingly.
7. Container Management, Page 11, Section 3.5, 1st sentence. What events would initiate the staging of outbound wastes outside of a HWMU?
There should be absolutely no staging of outbound wastes outside a HWMU unless the container has been loaded on a truck and the manifest has been signed by the generator and the transporter.
8. Container Management, Page 11, Section 3.6. For empty containers that will not be reused or sent back to the generator, how will the empty containers be managed (e.g., crushed recycled/disposed)?
Also, the Part A application and Table 1 to this section of the Part B Application shows P-listed wastes will be managed in containers by the facility. There is not discussion on how containers that once contained be listed wastes will be managed at the facility (i.e., triple rinsed). If the facility is planning on triple rinsing containers which formally contained P-listed wastes, will the rinse water be captured and properly disposed of off-site or will the rinse waters be discharged to the on-site septic tank system?
9. Container Management, Page 11, Section 4.0. The Part B application must include a commitment by the applicant that a Registered Professional Engineer, State of Arizona, certify that the containment systems have been constructed in accordance with the Part B application and 40 CFR § 264.175 or have this as special condition to the Permit.

Procedures to Prevent Hazards: Attachment F

General comment regarding “Confidential” attachments. It leaves out the requirements on how and when to claim information as confidential. Include the requirements of 40 C.F.R. § 270.12 or the Arizona equivalent rules.

- Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “**confidential business information**” on each page containing such information.
- If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).

Equipment Leaks: Attachment N

1. Equipment Leaks, General Comment. The applicant did not provide a specific list of equipment that is included in the facility’s Leak Detection and Repair Program. This list must be developed along with the appropriate equipment identification number (e.g., tag number) and is part of the recordkeeping requirement for a facility that has equipment subject to 40 CFR § 264 Subpart BB (see 40 CFR § 264.1064(b)(1)).
2. Equipment Leaks, General Comment. If the applicant is going to claim equipment subject to the regulations for the “in vacuum service” exclusion, the applicant must identify this in the Part B application (see 40 CFR § 264.1064(g)(5)). Elsewhere in the application (Container Management Plan), the applicant discusses maximum vacuum that a tanker truck will apply when transferring hazardous wastes from containers to a tanker truck. Based on EPA’s understanding of the operation, the line and equipment between the container(s) and tanker truck is in vacuum service when organic hazardous waste is being transferred. However, when the line or equipment is disconnected from the tank truck the equipment is no longer in vacuum service. Additionally, if the residues/residuals are not removed after transfer, then equipment is still in contact with regulated waste and not subject to the in vacuum service exclusion (see Comment 3 below).
3. Equipment Leaks, Page 1, Section 2, 4th paragraph. Based on the language contained in this section, the applicant appears to be assuming that most of the equipment (e.g., valves, flanges, etc.) subject to the regulations will be excluded based on the fact that the equipment will be in contact with RCRA volatile organic waste for less than 300 hours. If there is hazardous waste residues/residuals still in contact with the regulated equipment, the contact/use time continues until the residues/residuals are removed (see <https://www.govinfo.gov/content/pkg/FR-1997-12-08/pdf/97-31792.pdf>; 62 Federal Register 64641). In order to meet this exemption, the facility will need to include in the Part B application procedures to remove residues/residuals from regulated equipment after each use to include when the residues/residuals will be removed, how the residue/residuals will be removed, how the residues/residuals will be managed, and how the facility will verify that the residues/residuals have been removed. Finally, the equipment that the applicant is claiming to be exempt must be listed in the Part B application (see 40 CFR § 264.1064(g)(6)).

4. Equipment Leaks, Section 3.1, Page 2, 2nd and 3rd paragraphs. The applicant is going to be using two different model photoionization detectors (PIDs). There were no specifications provided for either of the two PIDs listed. It is important the PID is fitted with the appropriate lamp. If not, certain VOCs (e.g., methanol, methylene chloride) will not be detected. Also, common problems EPA Region 9 sees with facilities that use PIDs:
 - a. Calibration gas. for leak detection monitoring is the wrong calibration gas is used. The regulations at 40 CFR § 264.1063(b)(4) limits the calibration gases to either methane or n-hexane, while Method 21 allows for a broader range of gases to be used. Typically, we see isobutylene gases being use by facilities to calibrate PIDs.
 - b. Leak definition. The highest calibration gas concentration that can be purchased is 4,800 to 6,000 parts per million depending on the source. If the facility is going to be using a PID, we suggest that a special condition be incorporated into the Permit which defines the leak definition to be the highest concentration of n-hexane calibration gas that can be purchased or set the leak definition to 4,800 or 6,000 parts per million.
 - c. Method 21, Precision Test. Method 21 requires the equipment being used for leak detection monitoring undergo a quarterly precision test to ensure the equipment functions in accordance with the requirements. The calibration log provided by the applicant should be modified to include a section where the quarterly precision test results can be found.
5. Equipment Leaks, Recordkeeping. The applicant does not directly address any of the recordkeeping requirements found at 40 CFR § 264.1064 (see Equipment Leaks, Comments 1 and 2 above). Some of the recordkeeping requirements may not be applicable. However, the applicant must either provide the information or provide the basis why the particular recordkeeping requirement is not applicable. EPA Region 9 sees significant compliance issues with recordkeeping requirements for facilities subject to these regulations.

Air Emission Standards: Attachment O

1. Air Emission Standards, Section 2.2, Page 2. In the Part B application when discussing hazardous waste transferred from/to Level 2 containers, what methods will the facility be employing to minimize the amounts of volatile organic wastes that will be released to environment is missing (see 40 CFR § 264.1086(d)(2)). For example, bottom-filling containers.
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1. Typographical errors: Permit

- Part I, B.7: Definitions. The word “facility” in “HWM Facility” should not be capitalized. There is a missing open parenthesis.
- Part I, B.8(b): Definitions. The word “appendix” in “appendix VIII” should be capitalized.
- Part I, B.8(c): Definitions. “40 C.F.R.” should be inserted in front of “264.93(b)” to indicate it is a citation to the Code of Federal Regulations.

- Part I, B.9: Definitions. “United States” should be inserted in front of “Department of Transportation”. In a few places elsewhere in the permit, the abbreviation “USDOT” is used instead of “DOT” and should be corrected to “DOT”.
- Part I, B.12: Definitions. The phrase “or Investigative Derived Waste” is repeated twice in the title of the definition.
- Part I, B.13: Definitions. “Department of Transportation” should be abbreviated to “DOT”.
- Part I, E.12(a): Duties and Requirements. A period is missing at the end of the sentence in 12(a).
- Part I, E.13(c): Twenty-Four Hour Reporting. An “and” should follow the semicolon separating (c)(ii) and (c)(iii).
- Part I, H.3: Permit Modifications – Changes to Key Employee(s). “And” is missing from before the colon in the first sentence, and “and” should be inserted after the semicolon in 3(a).
- Part II, I.1.(a): Contingency Plan – Implementation of Plan. “(Attachment G)” should be inserted following “Contingency Plan”.
- Part II P: Land Disposal Restrictions. “Including, but” should be inserted in front of “not limited to”.
- Part II T.3: Construction Schedule for New Hazardous Waste Management Units. “and” should be inserted after the semicolon in T.3(a)(iv). The last sentence in T.3(a) is missing a period.

EPA Comments on Pre-draft Permit

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Tue, May 3, 2022 at 5:18 PM

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Cc: Jessica Kohls <kohls.jessica@azdeq.gov>, Robin Thomas <thomas.robin@azdeq.gov>

James and Charles -

A follow-up to my earlier email concerning the EPA comments. We have done a first-pass of them. Several of the comments in the WAP, Container Management, Air Emissions etc, request additional detail in the application. Of those, some comments identify scenarios that may warrant specific lengthy responses. We are taking the opportunity to identify those comments that may warrant the detailed responses - In most of them we suggest the development of SOPs. (This is not to mean that AAS should not address the other comments, just those responses that may be especially detailed).

Comment W1 (p. 1, Sect 1.2): Provide the detail or SOP for evaluating the decision process for when AAS will request additional information from the generator. Fill in the whole that is created by the vague term "when applicable".

Comment W2 (p4, Sect 2.4). It appears that a SOP may address some EPA concerns. Also, the WAP states that the HWMUs "have hazard class areas for ignitable, corrosive, toxic, and reactive wastes." Clarify the location, arrangement, and organization of these areas (perhaps the areas are fixed in size or maybe they expand and shrink depending on the quantity of each waste class. What is the SOP for making any such changes to the HWMUs? And, more to EPA's concerns how will management of waste mixtures and lab packs also be addressed? Should AAS develop special procedures for the waste mixtures and lab packs?

Comment W7 (p6, Sect 3.2) addresses lithium ion batteries. AAS has indicated that it will not accept LION batteries as an identified waste, but the EPA comment proposes limits on LION batteries received from HHW collection centers. In the last sentence of this comment, EPA suggests that AAS prepare an SOP or provision to examine UW battery shipments to identify if any LION batteries are contained in the waste and then to manage the waste as appropriate.

Comment W9 (p12, Sect 5.1) - Consider developing an SOP on the use of fingerprint analysis - the criteria for the decision, when the decision will be made, by whom, and how this will be documented in the record.

Comment W15 (p15, Sect 6.1.1) - the inspection of roll-off containers - this likely has its origins with issues that EPA inspectors have noted in the field. I suggest that AAS prepare an SOP for the receipt and acceptance of roll-offs. Our inspectors have had concerns about container (roll-off) management at inspections - upon opening of the roll-off they have noted a significant amount of free liquid at the top. Depending on the amount of free liquid the TSDF either pumps the liquids or adds adsorbent. This evaluation should be documented, and should include the criteria such as liquid quantity, type of adsorbent, type of waste, etc. So, as part of your responses consider the applicability of developing an SOP. If the SOP development requires additional information and research AAS can consider starting with the SOP framework and later expanding it in a schedule.

Comment W17 (p16/17, Sect 6.2) - Similar to Comment W9 - criteria for Level II analyses. An SOP expanding on this process would be responsive to the comment.

Comment W24 (p23, Sect 9.1) - Review the guidance EPA has noted and include sampling procedures as stated in the comment. It might be best to include this as an attachment to the WAP or an SOP.

Comment W27 (p 29, Sect 10.5) - The sample policy identified by EPA should be detailed in that it must describe the default retention schedule for various waste, and identify scenarios that would impact the retention of samples. The policy should identify the process for review and approval of extensions to the default retention schedule, and then for their disposal. The policy should include or identify a document (hard copy or electronic) that will be maintained in the operating record.

Comment C6 (p 9, Sect 3.4) - This comment is actually one that we explored and opted not to pursue. An SOP on bulking would be responsive to the comment. Granted, this is complicated, so at a minimum, a framework for the SOP should be developed that may be expanded at a later date. The EPA comment identifies issues that their inspectors have encountered in the field with bulking / consolidation of liquids.

Comment N1 - ADEQ requested as a SOC an update to the list of equipment. However, for any existing equipment, the list can be populated now with the appropriate identifiers included.

Comment N2 - A response to this comment (and N3) likely requires an SOP to provide the required detail.

Comment N3 - ADEQ was not aware of the guidance referenced by the EPA comment. Ensure that the SOP is detailed to ensure that the equipment is "cleaned" so as to meet the Subpart BB criteria.

Comment N4 - We have discussed compliance with these provisions; however, EPA has identified additional problem areas concerning calibration and calibration gases. ADEQ has noted that acquisition of high concentration n-Hexane calibration gases are problematic and have been so for a while, now.

Finally, regarding Comment C9 (p 11, Section 4.0) - This EPA comment likely missed that ADEQ is requesting a completion report for each of the HWMUs to be constructed. This is understandable since the CMP did not link to the Schedule of Compliance (SOC) condition. If you concur that this is addressed, just confirm this in your response.

Please feel free to contact me with any questions or concerns. Thank you.

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EPA Comments on Pre-draft Permit

Anthony Leverock <leverock.anthony@azdeq.gov>

Tue, May 3, 2022 at 9:46 AM

To: "James G. Peck" <james@jgpcn.com>, Charles Templer <chuck@sydcol.com>

Cc: Jessica Kohls <kohls.jessica@azdeq.gov>, Robin Thomas <thomas.robin@azdeq.gov>

James -

Attached are EPA's comments on the pre-draft Arizona Hazardous Waste Management Act (AHWMA) permit prepared for the AASydcol Waste Consolidation Facility. I have also attached a response matrix for your use. We request that AAS respond to the following comments provided by EPA and repeated on the matrix:

- W1 - W27

- D1 - D9

- F1 - F2

- N1 - N5

O1

Please make the required changes to the permit and its attachments: We request the response by COB Monday 5/9. Note that ADEQ will also be evaluating the comments and may make changes as it deems appropriate. We will be happy to share our draft responses with you at that time.

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**azdeq.gov****Your feedback matters to ADEQ. Visit azdeq.gov/feedback**

2 attachments **ADEQ Response Summary Draft 05-03-22.xlsx**
24K **AA_Sydcol_HWMA_PERMIT_EPA_comments.pdf**
221K

Comment Number	EPA Comment	ADEQ or AAS Response (Concur /Partial Concur / Non-Concur /Unknown)	Response to Comment / Changes Made	Follow-up ?
G1	USEPA is not listed, defined, or mentioned in the Permit. USEPA needs to be added to all provisions allowing regulatory officials to conduct an inspection (Part I.E.9 (Inspection and Entry)) or access records (Part II.J.3 (Inspections of Records)).	ADEQ Concur	Added EPA to definitions. Instead of adding EPA to the permit conditions, will update the permit checklist for instructions to inspector, since this is more along the lines of ensuring the facility is aware of EPA's authorities for inspection and request of records	Checklist update
G2	Throughout the Part B application, the applicant does not provide sufficient detail to be enforceable. To determine compliance by inspectors more specificity or criteria must be provided to ensure protection of human health and the environment.	ADEQ Concur	Changes made to the Permit consistent with comments in CMP	
G3	Is the facility planning on receiving non-RCRA hazardous waste from California? If yes, the Part B application must include information/documentation on how non-RCRA hazardous wastes will be managed at the facility.	ADEQ Concur	Cal HW will be accepted, but is treated as solid waste in AZ, not requiring special provisions. Add that CA wastes may be stored and will be subject to inspection.	Checklist update. General statement that wastes must be compatable with non-HW wastes (SW, CA)
G4	The Part B permit application is missing how the facility will be complying with e-manifest fee and data transfer requirements found at 40 CFR § 264.1311.a. EPA Region 9 recommends the applicant review the Evoqua Permit/Permit Application to develop a revised Part B application that includes how the facility will comply with this requirement. See: https://www.epa.gov/sites/default/files/2018-09/documents/evoqua_final_rcra_permit_modules_i-vi.pdf#page=42	ADEQ Concur	ADEQ will need to address this issue when updating its rules	
G5	The application and permit do not reference Occupational Safety and Health Administration regulations 29 CFR Part 1910, specifically 29 CFR Part 1910.1020, or equivalent Arizona regulations, for access to employee exposure and medical records.	ADEQ Concur	ADEQ is aware that the Permit and attachments do not reference the OSHA specs. This is primarily a matter of enforceability. Nevertheless, we believe that the permit is protective of the appropriate AAS employees, so long as they are properly trained as per OSHA awareness training (e.g., to be aware of hazards and to take measures that are appropriate per the circumstances as required by OSHA).	
A1	Part I, A: Effect of Permit - Incorporate this statement into the Effect of Permit section to ensure clarity. “In case of conflicts between the Permit Application and the Permit, the Permit conditions take precedence.”	ADEQ Concur	Added recommended statement.	
A2	Part I: Definitions <ul style="list-style-type: none"> • “A.A.C.” and “C.F.R.” are both defined as the Arizona Administrative Code. Instead, “C.F.R.” should be separately defined or abbreviated as the Code of Federal Regulations. Moreover, throughout the document, whenever there is a citation to the Code of Federal Regulations, the periods are missing from “C.F.R.”. Those periods should be added in to properly cite to the Code of Federal Regulations. • In the definition of “Area of Concern”, there are three types of areas listed. Currently, it is unclear whether Area of Concern means an area that satisfies all three conditions in (a), (b), and (c), or whether any one of the three conditions need to be met. • The last sentence in the definition of “Example” reads ““Example” presents, unless otherwise specified, minimum acceptable.” This appears to be an incomplete sentence. • Define "Container" in the permit. “A container is any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled (§260.10).” • The definition of “qualified” is confusing. It’s not clear whether one of those conditions is sufficient or whether both are required. • Define RCRA, “RCRA” as used in this Permit means the Resource Conservation and Recovery Act (42 U.S.C. §6901 et seq.). • The definitions of “Regulated Facility” and “Regulated Unit” should be separated into two separate definitions, as a facility includes multiple units. • The phrase “waste acceptance” should be capitalized because it is a term defined in Part I, B.24. 	ADEQ Concur	- "A.A.C." is written with periods; - "CFR" has not been changed. Per AZ SOS style guidelines and the Arizona Code, CFR is spelled without periods. Also, note that the Evoqua Permit uses "CFR", so, this is not without precedent; - "Area of Concern" - added or to the three bullets; - "Example" - deleted partial statement at the end; - "Container" - added, using 260.10 definition; - "Qualified" - updated language to note that the conditions are all appropriate conditions. This determination is based on judgment and may be difficult to enforce. It is important for the Permittee to select persons based on these criteria rather than solely based on cost; - "RCRA" - added , using recommended definition; - "Regulated Facility" and "Regulated Unit" - created separate definitions for these terms; - "Waste Acceptance" - capitalized the definition when used in the Permit.	

A3	<p>Part I, C.4(a): Permit Actions – Transfers - As it is written, it sounds like the Permit is transferrable once notice is given to the Director. 40 C.F.R. §270.40 states: “A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued (under § 270.40(b) or § 270.41(b)(2)) to identify the new permittee and incorporate such other requirements as may be necessary under the appropriate Act.”Suggest rewording to say, “This Permit is not transferable to a new owner or operator, except after the permit has been modified or revoked and reissued by the Director to change the name of the Permittee and incorporate such other requirements as necessary pursuant to A.A.C. R18-8-270.A (40 C.F.R. §270.40).”</p>	ADEQ Concur	Deviated from proposed language - used language from Evoqua Permit.	
A4	<p>Part I, E.12(a): Duties and Requirements – Transfers - Same comment as above. It is an inaccurate statement of 40 C.F.R. § 270.40 to allow a permit to be transferred once notice is given to the Director. It should be modified to allow transfer only if the Permit has been modified or revoked and reissued by the Director to change the name of the Permittee and incorporate such other requirements as necessary.</p>	ADEQ Concur	Used recommended language, with slight edits to remove duplication.	
A5	<p>E.9: Inspection and Entry - Incorporate these statements regarding access to the facility: ADEQ, its contractors, employees, agents, and/or any United States Environmental Protection Agency (USEPA) representatives are authorized to enter and freely move about the Facility for the purposes of interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of the Permit; conducting such testing sampling, or monitoring as ADEQ and/or USEPA deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to ADEQ by the Permittee; or confirming any other aspect of compliance with this Permit. The Permittee shall provide ADEQ, USEPA and their representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit, and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to the entire Permit or undertake any other activity necessary to determine compliance with applicable requirements.</p> <ul style="list-style-type: none"> • Nothing in this Permit shall limit or otherwise affect ADEQ or USEPA’s right to access and entry pursuant to any applicable State or federal laws and regulations. 	ADEQ Concur	Clarify in Permit Checklist regarding the possible inspection by EPA/EPA oversight/EPA records/Sharing of Records with EPA even confidential records.	Checklist update
A6	<p>Part I, F: Confidential Information. - This section is cursory in that it only states the Permittee may claim information which is required to be submitted by this Permit as “confidential”. It leaves out the requirements on how and when to claim information as confidential. Include the requirements of 40 C.F.R. § 270.12 or the Arizona equivalent rules.</p> <ul style="list-style-type: none"> • Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. • If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information). 	ADEQ Concur	Expanded language per AAC regulations.	
A7	<p>Part I, H.4: Permit Modifications – Changes to Contingency Plan. - The regulatory citation to 40 CFR § 264.37(a)(4) is incorrect. That is the requirement to familiarize local hospitals with the properties of hazardous waste handled at the facility.</p> <p>The citation governing when contingency plans must be amended is 40 CFR § 264.54.</p>	ADEQ Concur	Corrected regulatory citation.	
A8	<p>Part II, H.3 – Preparedness and prevention. - The requirement that “The Permittee shall maintain access to the communications or alarm system” does not include all the requirements of 40 CFR § 264.34, which requires: • Access to communications or alarm system.</p> <p>(a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless the Regional Administrator has ruled that such a device is not required under § 264.32.</p> <p>(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless the Regional Administrator has ruled that such a device is not required under § 264.32.</p> <p>Incorporate the full regulatory requirement in 40 CFR § 264.34 be incorporated into this permit provision.</p>	ADEQ Concur	Added the full regulatory language of 264.34, and added cell phone as an allowed option for emergency communication.	

A9	<p>Part II, J.1(j) Operating Record. - The only recordkeeping requirements relating to Subpart BB are contained in this section, which only require a log of equipment that is exempt from Subpart BB. The recordkeeping provisions of 40 C.F.R. § 264.1064 contains significant recordkeeping requirements, more than “a log of equipment” for equipment not subject to Subpart BB.</p> <p>This part of the permit is severely lacking. There is no requirement to comply with the rest of 40 C.F.R. § 264.1064, only 40 C.F.R. § 264.1064(g)(6). Please see the comments below regarding Equipment Leaks.</p>	ADEQ Concur	<p>Updated Permit Condition II.J.1(f) to specify the recordkeeping requirements applicable to the facility, and deleted Permit Condition II.J.1.j as it is now part of II.J.1(f). ADEQ has advised AAS to evaluate 40 CFR 264.1063(d) through 1063(i) and 1064, and to develop logs, example forms, and other records so as to be able to record the required data.</p> <p>In addition, updated J.1.(h) for maintaining Closure Cost Estimates in the Operating Record - clarified that it is to be maintained until final closure of the facility, per the rules (not three years).</p>	
A10	<p>Part II, J.6 List of Learning Sites. - “Learning Site” is not a defined term in this permit and it is not clear what it means.</p>	ADEQ Concur	<p>Added "Learning Site" to the definitions</p>	
A11	<p>Part II M.2 Financial Assurance. - The draft permit states that, “A copy of the Permittee’s financial assurance mechanism is contained in Permit Attachment J, Exhibit J-2.” This is incorrect. Attachment J, Exhibit J-2 only states that the Permittee has elected to obtain closure insurance; the Permittee does not yet appear to have closure insurance and no proof of insurance is contained in the attachment.</p> <p>Amend this item to say a copy of the Permittee’s financial assurance mechanism will be included once the financial assurance mechanism is obtained and the Permit is modified to add the mechanism.</p>	ADEQ Concur	<p>Rewrote II.M to clarify the FA is not submitted at the time of permit issuance, and must be submitted per schedule of compliance permit conditions. The rewritten permit condition identifies Permit Att J, Exhibits J-1 and J-2 as containing evidence of the FA documents, and that approval of the updates is via Class 1 PMR. Omnibus</p>	
A12	<p>Part II Q.1: Process Vents. - The draft permit requires the Permittee to comply with the process vents requirements found in Permit Attachment M. However, Attachment M simply states that there are no process vents subject to Subpart AA.</p> <p>Suggest rephrasing to say that currently there are no process vents subject to Subpart AA. In the event that the Facility decides to add process vents subject to Subpart AA, it must request a permit modification.</p>	ADEQ Concur	<p>II.Q.1 updated per comment</p>	
A13	<p>Part II T.1(a) Notification and Submittal of Financial Assurance for Closure. The last sentence says, “The certificate of insurance shall be incorporated into the Permit at Permit Attachment J, Exhibit J-2.” Clarify that the Permittee will need to submit a permit modification to add the certificate. Similarly, in II.T.5(a), the draft permit says “Permittee shall update Permit Attachment N, Section 3.1” without stating how; does that also require a permit modification?</p> <p>Clarify how these changes will occur and whether they will require permit modifications.</p>	ADEQ Concur	<p>Permit conditions were updated to specify that these submittals are done by permit modification (i.e., the permit must be updated to incorporate the evidence of financial assurance). ADEQ discussed the process of submitting updates with the applicant and determined that a C1 PMR may not be needed if the final FA doesn't contain any significant changes to the documentation previously submitted (see also I.H.5), including changes to effective dates of the instruments; however, because the submittal is via a permit modification. It should be clarified that submittal of the "original signed copy of the insurance policy" may be via a permit modification, but it is an information request for ADEQ's review for compliance - so, no permit modification is needed for that.</p>	
A14	<p>Part III J.5(c) Container Provisions for Incompatible Waste. - This condition must be revised to add, “by means of a dike, berm, wall, or other device” to the end of the sentence, as that is the full requirement of 40 C.F.R. § 264.177(c).</p>	ADEQ Concur	<p>Specified language has been added. In addition III.J.5(a) updated to the regulatory language ("...unless 40 CFR §264.17(b) is complied with.")</p>	
A15	<p>Part III, Table III-A - Hazardous Waste Storage in CSAs - The Maximum Number of Containers and Maximum Volume in gallons do not match the Maximum Volumes of Hazardous Waste in Table III-B - Maximum Permitted Storage Volumes of Hazardous Wastes.</p> <p>Correct the volumes so the tables match the permit application.</p>	ADEQ Concur	<p>Values were corrected in Table III-B of the draft Permit, specifically, for HWMU1 the value was changed from 39,600 to 59,400 gallons. Also, for Permit Attachment D, Section 4.2, the storage capacity was changed from 39,600 gallons to 59,400 gallons and the required secondary containment amount was changed from 3,960 to 5,940 gallons. The remaining values in the Table and in the attachment were correct.</p>	
A16	<p>Part IV, Table IV-A. - The SWMU and HWMU numbers do not match the numbers in Attachment L (CASOC). For example, HWMU1 is SMWU 4, not SWMU 1, SWMU1 is HWMU3, not HWMU4. Please check all the numbers and descriptions.</p>	ADEQ Concur	<p>Table IV-A was updated as follows: Row 1, for SWMU1, the SWMU or AOC Name was changed to "Central Building" - this SWMU is no longer proposed to become a hazardous waste management unit in the Permit. Row 2, for SWMU2, the SWMU or AOC Name was changed to "Main Outdoor Storage Pad/HWMU3" Row 3, SWMU3 is unchanged Row 4, for SWMU4, the SWMU or AOC Name was changed to "Outdoor Storage Pad/HWMU1" Row 5, for SWMU5, the SWMU or AOC Name was changed to "Outdoor Storage Pad/HWMU2" Row 6, for SWMU6, is unchanged</p>	

W1	Waste Analysis Plan, Page 1, Section 1.2, 2nd paragraph, Item 1. The applicant must provide specific criteria when generator knowledge will be allowed and when the generator will be required to provide waste analysis data. The term “when applicable” is too vague and is difficult to enforce.	AAS Concur	<p>This item has been revised to identify circumstances where generator knowledge will be required. The text also now explicitly provides that analytical data for waste characteristics will be required if the generator knowledge is inadequate to conclude whether or not the waste is a listed or characteristic waste.</p>	
W2	Waste Analysis Plan, Page 4, Section 2.4, 1st complete paragraph. The applicant states: “The Facility will carefully manage mixtures of hazardous wastes to prevent undesirable or uncontrolled reactions.” Describe what procedures are in place to prevent fires and uncontrolled reactions. This is especially problematic for lab pack wastes. a. ECAD recommends that ADEQ Permitting contact NDEP Permitting, to learn how Nevada has addressed this issue.	ADEQ Concur	<p>ADEQ contacted NDEP Permitting. Copies of WAPs were provided with sections addressing the management of waste mixtures and lab packs. They forwarded the WAP for the Stericycle Fernley facility:</p> <p>Permit Section D1.4 specifies the use of storage cells, based on hazard class. This is also to be done at AAS (see XXXX), the permit also specifies procedures for removal of all residues from spills on the containment, requires decontamination of containment, before storage of new waste;</p> <p>Permit Section D2.3 discusses treatment of ignitable wastes (done in tank units). This is a process that is not necessarily relevant to the simple storage of waste mixtures, since intentional mixing for treatment is inherently more risky than just storing wastes that are dissimilar or potentially-incompatible. To clarify: AAS does not propose to intentionally treat ignitable wastes/oxidizers, but the draft Permit can be updated to clarify this (it is also clear that tank treatment may be especially problematic due to the quantities of waste involved and the higher likelihood that waste types being held close to each other are potentially incompatible - if AAS proposes such treatment in the future, permit conditions will be developed to likewise minimize the risk of reaction, fire, or explosion.</p> <p>Waste Profiling by the Generator or the TSDF - NDEP requirements specify that a waste stream must be reevaluated not less frequently than once per two years (C2.3.2 - Profile Full Characterization Procedures).</p>	
W2		ADEQ Concur	<p>The AAS permit specifies that this be done once per three years. ADEQ is satisfied that a required reevaluation every three years (versus 2) is a protective measure, and compliant with the Waste Analysis requirements.</p> <p>Regarding the frequency of Tier 1 and Tier 2, the WAP at Section C2.6.2 specifies an analysis frequency of 10 percent each 'regulated waste stream' from a particular generator, and a random procedure is explicitly described. This is not present in the AAS permit - the procedure in the Stericycle Permit is not lengthy or difficult, so adoption by AAS may not be an issue. ADEQ can suggest that AAS include this in its WAP.</p> <p>Section C2.7 provides a third tier of analysis: Processing Analysis. This is reserved for intentional treatment or for consolidation. AAS does propose to perform consolidation (bulking) and also has procedures to test wastes to ensure compatibility (bucket test). The permit is not clear as to the frequency of such testing, so the permit can be updated to specify that waste streams (but not each waste container) that will be bulked shall be tested for compatibility. It is likely that this is indeed AAS's proposed procedure, but it is not clear, so this should be clarified.</p> <p>FYI, the screening procedures for fingerprints as described in C2.7.1 are similar to those proposed in AAS' permit. The Stericycle WAP at C2.7.2 identifies "Supplemental Analyses" (Water compatibility, Flash Point, Total Metals, Total and non-amenable cyanides, VOCs, and TCLP.</p>	

W2		AAS Concur	<p>The AAS Permit doesn't have a specific section in its WAP for such supplemental analyses. The VOC supplemental analysis is required if wastes exhibit a suspicious odor during treatment, as well as to profile wastes with a TOC of greater than 10 percent. This provision may be added to the AAS permit, but it is not clear from the Stericycle Permit when this particular supplemental analysis is required - there are three criteria that are described (manifest discrepancies, a general determination the waste needs to be more safely managed to comply with the Permit, and if the facility 'has reason to believe' that the waste composition has changed/been changed - in each case it appears to be at the discretion of the facility.</p> <p>The Stericycle WAP has a good section on Container Identification, Tracking, and Movement. However, AAS also has details on how they will track containers, and it appears to be protective. ADEQ could request AAS to consider adoption of some of the Stericycle procedures, but this would be optional.</p> <p>The WAP Appendix includes flow charts for pre-acceptance (Fig C2-1), Tier 1 and 2 (Fig C2-2), Waste Check-in (Fig C2-3), Waste Verification Analysis (Fig C2-4). These would be nice additions to the AAS permit, but should not be considered mandatory. ADEQ should suggest that AAS incorporate these into their WAP.</p>	ADEQ will verify with AAS that lab packs are segregated
W2		AAS Concur	<p>This section has been expanded to include inspection and handling of lab packs with provision for separating incompatible or unacceptable wastes.</p>	
W3	Waste Analysis Plan, Page 4, Section 2.4, last paragraph. Provide more specificity on how ignitable and reactive wastes will be separated and protected needs to be provided. Optionally, the applicant can reference another section of the Part B application where this is discussed in detailed.	AAS Concur	<p>The added text references Section 3.2 of the Container Management Plan.</p>	
W4	Waste Analysis Plan, Page 4, Section 2.5. A specific list of qualified facility personnel which will be performing hazardous waste sampling must be provided.	AAS Concur	<p>Section 2.5 has been revised to indicate that a list of qualified sampling personnel will be kept current and maintained in the Facility's operating record.</p>	
W5	Waste Analysis Plan, Page 5, Section 3.1, 1st sentence. The term “generally” must be deleted as it is difficult to enforce	AAS Concur	<p>The word “generally” has been removed from Section 3.1 of the WAP.</p>	
W6	Waste Analysis Plan, Page 6, Section 3.2, Item 1: Polychlorinated biphenyls. “PCBs at concentrations greater than 50 PPM)” Require changing this to, “PCBs at regulated levels or PCBs greater than or equal to 50 PPM.	AAS Concur	<p>The requested change has been added to Section 3.2 Item 1 of the WAP.</p>	
W7	Waste Analysis Plan, Page 6, Section 3.2, Item 7, lithium-ion batteries. In the Waste Analysis Plan this is listed as a non-permitted waste. However, in Attachment D, Section 3.2, Page 8. The applicant states that lithium battery wastes may be included in household hazardous wastes, if the household hazardous waste does contain lithium-ion batteries, the waste will be conditionally stored in HWMU3. Recommend a special condition be added to the Permit that only lithium-ion batteries from household hazardous waste collection centers can be managed by the applicant. Also, ADEQ may want to limit to a specified quantity of lithium-ion batteries from household hazardous waste collection centers that can be stored on-site.	AAS Partial Concur	<p>Section 3.2 of the WAP has been modified to state that the notice of unacceptable wastes given to generators will include a statement that unacceptable wastes must not be included in lab pack containers.</p>	
W7		ADEQ Concur	<p>Placing limits on the quantity of 'small' (button, AA, AAA, etc) LION batteries in incoming HHW is problematic as they are ubiquitous and are frequently contained in electronics and instruments prior to electronics recycling; are contained in bulk packages of small batteries destined for recycling/reclamation, or are included in VSQG combined wastes. ADEQ recognizes that even small cells may become an ignition source, and have worked with AAS to include numerous precautions in the draft permit - namely, identifying any wastes that have LION battery content and then storing them in a segregated area furthest away from structures or the other waste storage areas. AAS has included an additional notification requirement to generators, and this should be sufficient to minimize the risk posed by waste LION batteries. ADEQ believes these are sufficient measures for issuance, but will require additional measures as a SOC permit condition.</p>	<p>1. Add Permit Condition concerning procedures for addressing lithium batteries 2. Discuss with AAS Permit Condition on ensuring that LION batteries are removed with XXX days (for discussion).</p>

W7a	Not only household hazardous waste collection facilities bulk batteries, but many Large Quantity Generators and Small Quantity Generators bulk batteries into one universal hazardous wasteaccumulation container (e.g., 55-gallon container). How is the applicant going to ensure that bulk universal waste – batteries containers from generators do not contain lithium batteries.	ADEQ Concur	See W7 above. Require SOP for LION batteries.	Same
W8	Waste Analysis Plan, Page 9, Section 3.3, 2nd paragraph, last sentence and Section 6.1.1, Page 15, 1st paragraph, Item 2. Containers that are not intact, properly sealed or damaged/poor should be immediately placed in an overpack and properly managed. A special condition is recommended to include in the Permit that leaking or damaged containers, received by the facility, will be immediately repackaged or placed in overpack containers.	AAS Concur	There is no Section 3.3 in the WAP. Section 6.1.1 has been modified to indicate that leaking or damaged containers will be immediately secured and repackaged.	
W9	Waste Analysis Plan, Page 12, Section 5.1. AA Sydcot states that at its discretion the facility may utilize fingerprint analysis to verify waste received by the facility. Criteria needs to be provided, not just statements such as “at its discretion”. These types of general statements make it difficult for an inspector to determine compliance. Also include a reference to Section 6.0 where the fingerprint analysis will be applied.	AAS Concur	The fingerprint analysis is provided in the WAP as additional testing that the Facility may wish to perform to independently obtain waste characteristics data as a supplement to data provided with the waste profile. It is not considered waste acceptance sampling as described in subsequent sections of the WAP. The text in Section 5.1 has been amended to clarify that the fingerprint tests will be performed if for any reason independent waste characterization data is desired to supplement the information on the waste profile.	Include this as a Permit Checklist item - For used oil - talk to SW about reactive sulfides and halogen content tests
W10	Waste Analysis Plan, Page 12. There are two sections identified as 5.3.	AAS Concur	The first section labeled 5.3 has been revised to 5.2, consistent with the numbering sequence of the WAP.	
W11	Waste Analysis Plan, Pages 12 and 13. 1st identified as 5.3. This section mentions hazardous waste debris. The Part B must include the definition of hazardous debris found at 40 CFR § 268.2(g). ECAD Region 9 inspectors have found that facilities that do not specify what is debris and what is hazardous debris will mismanage the waste. The facility's training program must include information on how employees are to distinguish debris from hazardous debris.	AAS Concur	The listed item for hazardous debris has been expanded to incorporate the full range of hazardous debris in 40 CFR 286.2(g).	ADEQ will discuss with AAS adding to WAP and Training Plan verification of "debris" vs "Hazardous Debris" per 268 rules
W11		ADEQ Concur	A definition has bene added to the Permit to define Debris and Hazardous Debris, consistent with the definition found in 40 CFR 268.2(g). Note that debris and hazardous debris are not to be treated at the facility, so the use of this term may be of limited value. This term, as used in the WAP regards the need to sample the waste for identification purposes. Hazardous debris, until it is treated to meet land disposal standards will be managed per the characteristic or listing that makes the debris hazardous.	
W12	Waste Analysis Plan, Page 15, Section 6, 1st sentence. Remove the term “generally” from the sentence.	AAS Concur	The word “generally” has been removed from Section 6 of the WAP.	
W13	Waste Analysis Plan, Page 15, Section 6.1, 3rd sentence. The amount of time to develop a waste profile and approve (or reject) a load should be either included in the Part B application or included in the permit as a special condition (something like 24 to 72 hours	AAS Concur	The sentence has been modified to indicate that the approval or rejection based on Level I analysis will be made within 72 hours of the load inspection.	
W14	Waste Analysis Plan, Page 15, Section 6.1.1. There is a reference of ASTM D4979. Any references such as these must be included in the Part B application or a special condition that any referenced ASTM Procedures/Methods or similar references (e.g., standard operating procedure) be maintained and available to review by ADEQ or EPA inspectors/permitting staff. Due to the fact these procedures or documents are referenced, these documents are a part of the Part B application is incorporated into the Permit and are enforceable.	AAS Concur	Comment Addressed above	
W14		ADEQ Concur	Publications may be subject to copyright. ADEQ will add a provision in Section 1.1 of the WAP stating that copies of guidance, including ASTM and all other references must be maintained either in print or electronic format at the facility and that the material shall be made available for inspection by ADEQ.	
W15	Waste Analysis Plan, Page 15, Section 6.1.1. Due to the fact the facility accepts hazardous waste in roll-off containers, a more detailed discussion on how roll-off containers will be inspection must be included in the Part B permit. Especially, if the waste is heterogeneous.	AAS Concur	Sydcot does not anticipate receiving any roll-off containers with hazardous waste, and has revised the text in Section 2.2 of the WAP to remove the reference to roll-offs.	
W15a		ADEQ Concur	ADEQ will add a statement in Part III of the Permit stating that containers of hazardous waste will be stored in containers meeting DOT specifications for that waste, but such containers will not include roll-off containers.	

W16	Waste Analysis Plan, Page 16, Section 6.1.2, 1st paragraph. It is unclear how many hazardous waste containers will undergo fingerprint/screening analysis from each generator. Typically, at least 10% or a minimum of one container will be sampled from each generator which ships waste to a TSDF will be fingerprinted/screened. Include a detailed description of the procedures for heterogeneous wastes or hazardous waste liquids with separate phases for fingerprinting incoming wastes. If the Part B is not modified to clarify the number of containers that will be fingerprinted/screened from incoming wastes, a special condition must be included in the Permit. Currently, how this section is written, it will be difficult to enforce.	AAS Concur	The plan has been revised to clarify that loads that fail the load screening and verification steps will be subject to the Facility’s discrepancy policy in Section 7.0, and to specify Level I sampling 10% of containers from each load regardless of the generator.	
W17	Waste Analysis Plan, Pages 16 and 17, Section 6.2, 2nd paragraph. Criteria must be included in the qualitative review performed by a supervisor or manager to determine when Level II analysis will be performed. Developing specific criteria should minimize potential issues with managing potential non-conforming wastes (e.g., fire, employee exposure). Additionally, enforcement staff have criteria with which to determine compliance with waste acceptance/screen procedures. In that same paragraph, the last two sentences of the report. Specify what criteria the Facility Manager will use to determine if the waste(s) conforms to the waste profile, or if a Level II analysis is required.	AAS Concur	Section 6.2 has been revised to indicate that the criteria for triggering a Level II analysis is failing results from a Level I representative sampling analysis.	
W18	Waste Analysis Plan, Page 17, Section 6.2. There is a reference to unpublished procedures for analyzing/screening hazardous waste. Recommend ADEQ have in-house, or Region 9 chemist evaluate these procedures to determine if these procedures are acceptable. If not, the chemist should be requested to provide an alternative methods to meet the requirements. ECAD’s understanding is that the test for reactive sulfide is difficult to perform.	AAS Concur	The methods referenced are included in an appendix to the WAP and are industry standard methods for screening hazardous wastes at a hazardous waste storage facility.	
W19	Waste Analysis Plan, Pages 17-18, Section 6.3. Recommend a special condition that hazardous wastes can only be received at the facility during normal business hours.	AAS Concur	Sydcol wishes to maintain the option of receiving waste shipments outside of normal business hours consistent with the provisions of Section 6.3 of the WAP. Will concur with additional permit condition.	
		ADEQ Concur	ADEQ has discussed this issue with AAS - they want to accept waste after hours, but they agree to requiring two staff be present for safety.	
W20	Waste Analysis Plan, Page 19, Section 7.2, 1st paragraph. The example in parentheses and the sentence prior to the parentheses do not make sense.	AAS Concur	Section 7.2 of the WAP has been rewritten to simply refer to non-conforming wastes as wastes that have an irreconcilable discrepancy as described in Section 7.1.	
W21	Waste Analysis Plan, Page 20, Section 7.2, first full paragraph, Item 2. Provide example discrepancies or identifiable variations so that employees recognize the type of discrepancies or variations that will lead to a Level II evaluation.	AAS Concur	Physical discrepancies that are considered non-conforming are clarified as being based on the visual inspection. This, as has been noted, is performed to an industry standard (ASTM D4979).	
W22	Waste Analysis Plan, Page 21, Section 8.0. Clearly define who is the “designee” whenever the Plant Manager is not available.	AAS Concur	Section 8.0 has been modified to parenthetically indicate that a designee can be any manager-level staff at the Facility.	
W23	Waste Analysis Plan, Page 23, Section 9.0, 2nd paragraph, last sentence. See Comment 21 as applied to the Laboratory Manager designee. Also, this sentence does not make sense (i.e., what is “the sampling method” that is being referred to).	AAS Concur	The text has been modified to parenthetically indicate that a designee for sample collection will be a Technician. The text has been further clarified that the sampling personnel will implement an industry-standard sampling method in the event an EPA sampling method does not exist.	
W24	Waste Analysis Plan, Page 23, Section 9.1, 2nd paragraph. The facility is a new facility with no historical experience. For that reason, authoritative sampling is not appropriate until sufficient data has been developed for a generator’s waste stream(s). Until there is sufficient data and staff experience, specific sampling procedures for sampling a waste stream(s) must be included in the Part B application (see Characterizing Heterogeneous Waste, Methods and Recommendation, February 1992). EPA has found that a single grab sample for characterizing a hazardous waste stream is not sufficient, especially for heterogeneous waste.	AAS Concur	This section is intended to simply list the sample planning methods used, which could be Authoritative, Random, Grab, or Composite Grab methods as described.	
W25	Waste Analysis Plan, Page 24, Section 9.3, 1st paragraph, last sentence. This sentence can be deleted based on the fact the prior sentence essentially states the same thing.	AAS Concur	The last sentence of the paragraph has been deleted, as per the comment.	
W26	Waste Analysis Plan, Page 27, Section 10.1, 3rd paragraph. See Comment 13 above regarding ASTM or other methods or procedures utilized by the facility.	AAS Concur	Already addresssed. No response required.	

W27	Waste Analysis Plan, Page 29, Section 10.5. Region 9 inspectors have found issues with product and waste samples when there is no clear plan on how long samples will be retained by a laboratory. The facility should develop a retained sample policy which clearly defines how long samples will be retained and when the retention period will be extended (e.g., litigation).	AAS Concur	The text has been modified to indicate that Sydcol may request additional storage and maintenance of the samples at the analytical laboratory or third-party storage facility should the Facility or customer have unresolved concerns related to the sample results. All samples will be disposed of once holding times are exceeded for analytical methods associated with the unresolved issues.	
D1	Container Management, General Comment. It appears, tanker trucks are being used by the applicant to bulk waste from containers. Typically, bulking of liquid wastes from containers is performed in aboveground storage tanks, then transferred to a tanker truck for off-site disposal. If tanker trucks are being used to bulk liquid hazardous waste, how many tanker trucks are being used, their storage capacity, and other information such as where a tanker truck(s) will be staged during the filling process should be included in the Part B application. In particular, where will a tanker truck(s) be located when only partially filled at the end of the day?	AAS Concur	The description of where tanker trucks will be staged is provided in Section 1.0, Paragraph 7 on Page 2, as the SWMU area in the northern half of the site and along the western property boundary. The number is variable.	
D2	Container Management, General Comment. If a non-licensed tanker truck(s) is going to be used to consolidate liquid hazardous wastes, this information must be included in the Part B application.	AAS Concur	Only licensed tanker trucks operated by a permitted hazardous waste transporter will be used to consolidate liquid hazardous wastes.	
D3	Container Management, Page 1, Section 1, 2nd paragraph. When the applicant states that it "will not be the designated Facility for any hazardous waste temporarily stored at the Facility," what does this mean? Does this mean waste that is in transfer will be temporarily stored in permitted areas? Only wastes destined for the designated facility should be stored in the permitted unit.	AAS Concur	The text has been modified to indicate that the Facility will not be the designated treatment or disposal facility.	
D4	Container Management, Page 9, Section 3.2, last sentence. A reference to a Part B facility map showing the locations of spill and fire response equipment must be included as reference to this paragraph.	AAS Concur	A sentence referencing Figure 2 for the locations of spill and fire response equipment has been added to the end of this paragraph.	
D5	Container Management, Page 9, Section 3.3, 2nd paragraph, last sentence. Containers that are not intact, properly sealed or damaged/poor must be immediately placed in an overpack and properly managed. A special Permit condition is recommended that leaking or damaged containers will be immediately repackaged or placed in overpack containers. see also Comment 7, Waste Analysis Plan.	AAS Concur	A sentence has been added to this paragraph to indicate that leaking or damaged containers must be immediately placed in overpack containers.	
D6	Container Management, Page 9, Section 3.4. The facility will be bulking liquid hazardous wastes. Often containers of liquid hazardous wastes will contain debris (e.g., gloves, paper cups) and solids which have settled to the bottom of the container. From the application, it is not clear how solids and liquids will be separated. If solids and liquids are going to be separated via a mechanical means (e.g., grinder pump, filter), this treatment must be well described in the Part B application and regulated accordingly (e.g., Subpart X) to include control of air emission regulations. Additionally, if liquids or hazardous waste liquids are going to be added to containerized semi-solid wastes to facilitate transfer of the wastes to a tanker truck, this must be well-described, included in the Part B application, and regulated accordingly.	AAS Concur	Section 3.4 has been modified to indicate that floating debris will be fished out using hands or other non-sparking tools. Liquid is pumped using a tanker truck. All remaining sludges/solids in the drums are consolidated into as few drums as possible using shovels or other hand tools (non-sparking).	
D7	Container Management, Page 11, Section 3.5, 1st sentence. What events would initiate the staging of outbound wastes outside of a HWMU? There should be absolutely no staging of outbound wastes outside a HWMU unless the container has been loaded on a truck and the manifest has been signed by the generator and the transporter.	AAS Concur	The Container Management Plan requires that outbound hazardous waste containers be staged within a specific area in one of the HWMUs. There will be no staging of outbound hazardous waste storage containers outside of the HWMUs.	
D8	Container Management, Page 11, Section 3.6. For empty containers that will not be reused or sent back to the generator, how will the empty containers be managed (e.g., crushed recycled/disposed)? Also, the Part A application and Table 1 to this section of the Part B Application shows P-listed wastes will be managed in containers by the facility. There is not discussion on how containers that once contained be listed wastes will be managed at the facility (i.e., triple rinsed). If the facility is planning on triple rinsing containers which formally contained P-listed wastes, will the rinse water be captured and properly disposed of off-site or will the rinse waters be discharged to the on-site septic tank system?	AAS Concur	Section 3.6 has been modified to indicate that containers of P-listed wastes will not be consolidated or bulked at the Facility; all containers of P-listed wastes will be transferred to a licensed TSDF in the container as received. Recycled containers will be removed from the Facility intact by a third-party recycling contractor, and containers not returned to the generator or recycled will be sent to a solid waste landfill for disposal.	
D8a	Also, the Part A application and Table 1 to this section of the Part B Application shows P-listed wastes will be managed in containers by the facility. There is not discussion on how containers that once contained be listed wastes will be managed at the facility (i.e., triple rinsed). If the facility is planning on triple rinsing containers which formally contained P-listed wastes, will the rinse water be captured and properly disposed of off-site or will the rinse waters be discharged to the on-site septic tank system?	ADEQ Concur	ADEQ has reviewed D8a and believes the change is acceptable. We note that there may still be somme occasions when P-listed containers may need to be emptied, e.g., discovery of damage to containers; however, the frequency of this sequence of events will be small, and thus the number of empty drums with P-listed waste will also be small. Still, a requirement will be added to Section 3.6 requiring the triple rinsing of any damaged drums of P-listed wasteto render the drum(s) empty. Resulting empty drum(s) will be managed consistent with the existing provisions of the CMP.	

D9	Container Management, Page 11, Section 4.0. The Part B application must include a commitment by the applicant that a Registered Professional Engineer, State of Arizona, certify that the containment systems have been constructed in accordance with the Part B application and 40 CFR § 264.175 or have this as special condition to the Permit.	AAS Concur	A statement has been added to this paragraph to indicate that the final construction as-builts will be reviewed and sealed by an Arizona-licensed civil or structural engineer to certify construction of the HWMUs consistent with the engineering plans and specifications.	
		ADEQ Concur	NOTE: The pre-draft Permit already included a SOC permit condition requiring the supervising engineer to certify that the construction was per the plans, and to identify any deviations from the plan.	
F1	Procedures to Prevent Hazards: Attachment F - General comment regarding “Confidential” attachments. It leaves out the requirements on how and when to claim information as confidential. Include the requirements of 40 C.F.R. § 270.12 or the Arizona equivalent rules. • Any such such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions or, in the case of other submissions, by stamping the words “confidential business information” on each page containing such information. • If no claim is made at the time of submission, EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR part 2 (Public Information).	AAS Concur	Sydcol does not currently have any equipment handling organic hazardous waste. As described in Section 3.1, the list of equipment handling organic hazardous waste will be submitted to ADEQ as a Class I modification prior to any light liquids operation. Sydcol anticipates that only pumps on vehicles will be used to pump organic liquids. Facility equipment will only be used to transfer heavy liquids. However the provisions for leak detection will be maintained in the event that a limited amount of equipment such as a pump, maybe a couple of pumps, and the associated valves and connections used with the pump(s).	ADEQ will add condition to clarify / be explicit that the equipment shall be added to the list prior to first use - the equipment shall be added to the permit as a permit mod (non-director approval)
F2	Equipment Leaks: Attachment N - Equipment Leaks, General Comment. The applicant did not provide a specific list of equipment that is included in the facility’s Leak Detection and Repair Program. This list must be developed along with the appropriate equipment identification number (e.g., tag number) and is part of the recordkeeping requirement for a facility that has equipment subject to 40 CFR § 264 Subpart BB (see 40 CFR § 264.1064(b)(1)).	AAS Concur	Sydcol anticipates that only pumps that are equipment associated with the tanker truck will be used to transfer OHW liquids. In the event Facility equipment is used, the equipment will be maintained in the leak detection program as per the provisions of the Equipment Leaks attachment.	See line below
F2a		ADEQ Concur	Future updates to the list appear to be self-implementing (see comment below).	
N1	Equipment Leaks, General Comment. The applicant did not provide a specific list of equipment that is included in the facility’s Leak Detection and Repair Program. This list must be developed along with the appropriate equipment identification number (e.g., tag number) and is part of the recordkeeping requirement for a facility that has equipment subject to 40 CFR § 264 Subpart BB (see 40 CFR § 264.1064(b)(1)).	ADEQ Concur	An SOC permit condition will be included requiring the Permittee to populate the list within 60 days, but if any new equipment is used, the list must be updated prior to first use. And a permit mod will be submitted to ADEQ.	ADEQ will add condition to clarify / be explicit that the equipment shall be added to the list prior to first use - the equipment shall be added to the permit as a permit mod (non-director approval)
N2	Equipment Leaks, General Comment. If the applicant is going to claim equipment subject to the regulations for the “in vacuum service” exclusion, the applicant must identify this in the Part B applicant (see 40 CFR § 264.1064(g)(5)). Elsewhere in the application (Container Management Plan), the applicant discusses maximum vacuum that a tanker truck will apply when transferring hazardous wastes from containers to a tanker truck. Based on EPA’s understanding of the operation, the line and equipment between the container(s) and tanker truck is in vacuum service when organic hazardous waste is being transferred. However, when the line or equipment is disconnected from the tank truck the equipment is no longer in vacuum service. Additionally, if the residues/residuals are not removed after transfer, then equipment is still in contact with regulated waste and not subject to the in vacuum service exclusion (see Comment 3 below).	AAS Non-Concur	Sydcol anticipates that only pumps that are equipment associated with the tanker truck will be used to transfer OHW liquids. In the event Facility equipment is used, the equipment will be maintained in the leak detection program as per the provisions of the Equipment Leaks attachment.	
		ADEQ Concur	ADEQ agrees with the EPA comment and will discuss further with AAS to present the agency position and how to correct this deficiency	Need to discuss this with AAS. ADEQ may add an Omnibus Condition to ensure that the BB and CC requirements are complied with
N3	Equipment Leaks, Page 1, Section 2, 4th paragraph. Based on the language contained in this section, the applicant appears to be assuming that most of the equipment (e.g., valves, flanges, etc.) subject to the regulations will be excluded based on the fact that the equipment will be in contact with RCRA volatile organic waste for less than 300 hours. If there is hazardous waste residues/residuals still in contact with the regulated equipment, the contact/use time continues until the residues/residuals are removed (see https://www.govinfo.gov/content/pkg/FR-1997-12-08/pdf/97-31792.pdf; 62 Federal Register 64641). In order to meet this exemption, the facility will need to include in the Part B application procedures to remove residues/residuals from regulated equipment after each use to include when the residues/residuals will be removed, how the residue/residuals will be removed, how the residues/residuals will be managed, and how the facility will verify that the residues/residuals have been removed. Finally, the equipment that the applicant is claiming to be exempt must be listed in the Part B application (see 40 CFR § 264.1064(g)(6)).	AAS Concur	As described in Section 2.0, Sydcol may maintain a limited amount of equipment in OHW service, to be labelled and kept separate. Clarifying language has been added to the discussion of residues impacting the time limit for OHW use for equipment to remain exempt so that it is clear that that the time of use in OHW service for equipment not intended for such use will include the time in which OHW hazardous residue remains in the equipment.	

N4	<p>Equipment Leaks, Section 3.1, Page 2, 2nd and 3rd paragraphs. The applicant is going to be using two different model photoionization detectors (PIDs). There were no specifications provided for either of the two PIDs listed. It is important the PID is fitted with the appropriate lamp. If not, certain VOCs (e.g., methanol, methylene chloride) will not be detected. Also, common problems EPA Region 9 sees with facilities that use PIDs:</p> <p>a. Calibration gas. for leak detection monitoring is the wrong calibration gas is used. The regulations at 40 CFR § 264.1063(b)(4) limits the calibration gases to either methane or n-hexane, while Method 21 allows for a broader range of gases to be used. Typically, we see isobutylene gases being use by facilities to calibrate PIDs.</p> <p>b. Leak definition. The highest calibration gas concentration that can be purchased is 4,800 to 6,000 parts per million depending on the source. If the facility is going to be using a PID, we suggest that a special condition be incorporated into the Permit which defines the leak definition to be the highest concentration of n-hexane calibration gas that can be purchased or set the leak definition to 4,800 or 6,000 parts per million.</p> <p>c. Method 21, Precision Test. Method 21 requires the equipment being used for leak detection monitoring undergo a quarterly precision test to ensure the equipment functions in accordance with the requirements. The calibration log provided by the applicant should be modified to include a section where the quarterly precision test results can be found.</p>	AAS Concur	<p>a.The text has been modified to (ADEQ NOTE: sentence is incomplete).</p> <p>b and c. The text of the Equipment Leaks attachment has been revised to indicate that a MinRAE 3000 PID with an 11.7 eV lamp will be used for leak detection monitoring and calibrated with methane or n-hexane calibration gas standard between 4,000 and 6,000 ppm. A data sheet for the PID has been appended to the Equipment Leaks attachment. A column indicating the last quarterly precision test data as well as a note indicating the location of precision test results has been added to the calibration log.</p>	
N5	<p>Equipment Leaks, Recordkeeping. The applicant does not directly address any of the recordkeeping requirements found at 40 CFR § 264.1064 (see Equipment Leaks, Comments 1 and 2 above). Some of the recordkeeping requirements may not be applicable. However, the applicant must either provide the information or provide the basis why the particular recordkeeping requirement is not applicable. EPA Region 9 sees significant compliance issues with recordkeeping requirements for facilities subject to these regulations.</p>	AAS Concur	<p>A new section 8.0 has been added to address the recordkeeping requirements in 40 CFR 264.1064.</p>	
N5		ADEQ Concur	<p>Permit was updated in the Operating Record Section</p>	
O1	<p>Air Emission Standards, Section 2.2, Page 2. In the Part B application when discussing hazardous waste transferred from/to Level 2 containers, what methods will the facility be employing to minimize the amounts of volatile organic wastes that will be released to environment is missing (see 40 CFR § 264.1086(d)(2)). For example, bottom-filling containers.</p>	AAS Concur	<p>Section 2.2 has been modified to include a discussion of methods used to minimize VOC releases when transferring to/from Level 2 containers.</p>	
Typos	<p>Typographical errors - Permit -</p> <ul style="list-style-type: none">• Part I, B.7: Definitions. The word “facility” in “HWM Facility” should not be capitalized. There is a missing open parenthesis.• Part I, B.8(b): Definitions. The word “appendix” in “appendix VIII” should be capitalized.• Part I, B.8(c): Definitions. “40 C.F.R.” should be inserted in front of “264.93(b)” to indicate it is a citation to the Code of Federal Regulations.• Part I, B.9: Definitions. “United States” should be inserted in front of “Department of Transportation”. In a few places elsewhere in the permit, the abbreviation “USDOT” is used instead of “DOT” and should be corrected to “DOT”.• Part I, B.12: Definitions. The phrase “or Investigative Derived Waste” is repeated twice in the title of the definition.• Part I, B.13: Definitions. “Department of Transportation” should be abbreviated to “DOT”.• Part I, E.12(a): Duties and Requirements. A period is missing at the end of the sentence in 12(a).• Part I, E.13(c): Twenty-Four Hour Reporting. An “and” should follow the semicolon separating (c)(ii) and (c)(iii).• Part I, H.3: Permit Modifications – Changes to Key Employee(s). “And” is missing from before the colon in the first sentence, and “and” should be inserted after the semicolon in 3(a).• Part II, I.1.(a): Contingency Plan – Implementation of Plan. “(Attachment G)” should be inserted following “Contingency Plan”.• Part II P: Land Disposal Restrictions. “Including, but” should be inserted in front of “not limited to”.• Part II T.3: Construction Schedule for New Hazardous Waste Management Units. “and” should be inserted after the semicolon in T.3(a)(iv). The last sentence in T.3(a) is missing a period.	ADEQ Concur	<p>- “HWM Facility” changed per comment; Added the missing open parenthesis in "Facility or Activity";</p> <p>- “appendix” in “appendix VIII” - all instances have been capitalized;</p> <p>- “40 C.F.R.” - added in front of “264.93(b)”, but without periods;</p> <p>- “United States” inserted in front of “Department of Transportation”;</p> <p>- “USDOT” changed to “DOT”;</p> <p>- "Investigative Derived Waste” unchanged;</p> <p>- “Department of Transportation” changed to “DOT”;</p> <p>- A period is added at end of I.E.12(a);</p> <p>- “and” added at end of (c)(ii);</p> <p>- "and" added at the two specified locations;</p> <p>- “(Attachment G)” inserted following “Contingency Plan”;</p> <p>- “Including, but” inserted in front of “not limited to”;</p> <p>- “and” inserted after the semicolon in T.3(a)(iv) and period added in last sentence.</p>	